

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NOPCT-38	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/017851	International filing date (<i>day/month/year</i>) 01.12.2004	Priority date (<i>day/month/year</i>) 08.12.2003
International Patent Classification (IPC) or national classification and IPC D04H3/10 (2006.01), D04H3/16 (2006.01)		
Applicant NAGOYA OILCHEMICAL CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1, 3, 4 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-3 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 2
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 1
- ☒ the claims, nos. 1, 3, 4
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>3</u>	YES
	Claims	<u>1, 4</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1, 3, 4</u>	NO
Industrial applicability (IA)	Claims	<u>1, 3, 4</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: JP 4-222265 A (Asahi Chemical Industry Co., Ltd.), 12 August 1992, claims; paragraphs [0001] and [0020]; and the examples</p> <p>Document 2: JP 11-335955 A (Toray Industries, Inc.), 07 December 1999, claims; paragraphs [0019], [0022] and [0044]; and the examples</p> <p>Document 3: JP 9-25469 A (Nagoya Oil Chemical Co., Ltd.), 28 January 1997, claims and paragraphs [0002] and [0035]</p> <p>Claim 1</p> <p>Documents 1 and 2</p> <p>(1) Document 1 discloses a nonwoven fabric obtained by forming a plurality of holes in a piece of long-fiber nonwoven fabric by means projections with a diameter of 0.05 to 5.00 mm (the claims), and goes on to indicate that the long-fiber nonwoven fabric is a spun-bonded nonwoven fabric (the examples). Therein, document 1 also indicates that the nonwoven fabric obtained in this manner exhibits superior bulk characteristics, superior flexibility characteristics, and superior tenacity and elongation characteristics (paragraph [0020] and the</p>			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

examples) .

The description of the present application presents examples wherein the holes were formed by means of needles with a maximum thickness of 1 mm, while the invention disclosed in document 1 comprises holes that were formed by means of needles with a diameter of 0.05 to 5.00 mm, as is indicated above; therefore, the invention set forth in claim 1 and the invention disclosed in document 1 can be considered to have holes of similar sizes.

Furthermore, the invention disclosed in document 1 exhibits superior bulk characteristics, superior flexibility characteristics, and superior tenacity and elongation characteristics, as is indicated above; therefore, given the configuration and the characteristics of the invention in question, it is thought that said invention will also exhibit superior elastic constriction characteristics.

Such being the case, the configuration of the invention set forth in claim 1 of the present application is substantially the same as the configuration of the invention disclosed in document 1.

Consequently, the invention set forth in claim 1 lacks novelty and does not involve an inventive step.

(2) Document 2 discloses a nonwoven fabric obtained by subjecting a spun-bonded nonwoven fiber to a needle punching process (the claims and the examples), and further indicates that the abovementioned nonwoven fabric exhibits superior elastic constriction characteristics (paragraphs [0019] and [0044]).

Given the conventional meaning of the term "needle

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	<p>punch," the needle punching process in the invention set forth in claim 1 of the present application can be said to be similar to the needle punching process in the invention disclosed in document 2. Furthermore, the needle punching process employs needles, and thus nonwoven fabrics that have been subjected to a needle punching process can be considered to have holes. Therefore, the nonwoven fabric disclosed in document 2 can be considered to have holes.</p> <p>Such being the case, the configuration of the invention set forth in claim 1 of the present application is substantially the same as the configuration of the invention disclosed in document 2.</p> <p>Consequently, the invention set forth in claim 1 lacks novelty and does not involve an inventive step.</p> <p>Claim 3</p> <p>Documents 1 to 3</p> <p>(1) Document 1 indicates that the nonwoven fabric disclosed therein is used as an interior finishing material (paragraph [0001]), but does not mention impregnating said nonwoven fabric with a thermosetting resin. However, nonwoven fabrics impregnated with a thermosetting resin are well known, as disclosed in document 3 (the claims and paragraphs [0002] and [0035]), and document 3 also indicates that nonwoven fabrics impregnated with a thermosetting resin are useful as interior finishing materials. Therefore, it would have been easy for a person skilled in the art to conceive of applying the technical feature disclosed in document 3 in the invention disclosed in document 1 and impregnating</p>

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	<p>the nonwoven fabric disclosed therein with a thermosetting resin; furthermore, the effects that result therefrom cannot be said to be significant.</p> <p>Consequently, the invention set forth in claim 3 does not involve an inventive step.</p> <p>(2) Document 2 indicates that the nonwoven fabric from the invention disclosed therein is used as a vehicle finishing material or a carpet, etc. (the claims and paragraph [0044]), and also indicates that said nonwoven fabric has been impregnated with a synthetic resin (paragraph [0022]); however, document 2 does not mention impregnating the nonwoven fabric with a thermosetting resin. On the other hand, nonwoven fabrics impregnated with a thermosetting resin are well known, as disclosed in document 3 (the claims and paragraphs [0002] and [0035]), and document 3 also indicates that nonwoven fabrics impregnated with a thermosetting resin are useful as interior finishing materials or flooring materials for vehicles. Therefore, it would have been easy for a person skilled in the art to conceive of applying the technical feature disclosed in document 3 in the invention disclosed in document 2 and impregnating the nonwoven fabric disclosed therein with a thermosetting resin; furthermore, the effects that result therefrom cannot be said to be significant.</p> <p>Consequently, the invention set forth in claim 3 does not involve an inventive step.</p>

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	<p>Claim 4</p> <p>Documents 1 and 2</p> <p>Document 1 (paragraph [0001]) and document 2 (the claims and paragraph [0044]) both indicate that the nonwoven fabrics disclosed therein can be used as interior finishing materials or as flooring materials, and in the pertinent technical field it is considered to be common practice to attach a nonwoven fabric that is used as an interior finishing material or the like to the surface of a base material in the form of a surface material. Such being the case, documents 1 and 2 can be considered to substantially disclose the feature of attaching the inventions disclosed therein to the surface of a base material in the form of a surface material, even though the documents in question do not explicitly mention the feature in question.</p> <p>Consequently, the invention set forth in claim 4 lacks novelty and does not involve an inventive step.</p>

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box I.4

(1) The Description

The amendments that add the phrase "the nonwoven fabric impregnated with a synthetic resin is provided with a number of holes by means of a needle punch" to the disclosures in the description go beyond the scope of the disclosures in the international application as originally filed.

(2) The Claims

The amendments that add the phrase "the nonwoven fabric impregnated with a synthetic resin is provided with a number of holes by means of a needle punch" to the disclosures in claim 1 and claims 3 and 4, which cite claim 1, go beyond the scope of the disclosures in the international application as originally filed.